

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF GEORGIA ATLANTA DIVISION

FILED IN CLERK'S OFFICE
U.S.D.C. - Atlanta

JUN 14 2021

By:  JAMES N. HATTEN, Clerk
Deputy Clerk

Saretta M. Gross

CIVIL ACTION NO.
1:21-cv-01247-TCB-JSA

Plaintiff,

Vs,

United Parcel Service et al
Teamsters Local Union 728

Defendant,

PLAINTIFF pro'se
MOTION TO RESPOND OF A MOTION TO DISMISS

Introduction

- 1) Plaintiff hereby submits its opposition to Defendant Motion to dismiss the complaint. Specifically, this court has personal jurisdiction over the defendants and the complaint sufficiently alleges causation, and HARM. Accordingly defendant motion should be denied. For the foregoing reasons and all others, discussed in my complaint the present motion should be "Denied."
- 2) United Parcel Service also has insufficient improper service

process. Plaintiff never was served any type of Motions or Certificates of Service by defendant Rule 5(d), 1 at all. United Parcel Service never responded to the first complaint even after discharging me. I found out about this motion through the Judge's order. Based on the foregoing and the attached memorandum Plaintiff request should be denied.

DATED this 11th day of June, 2021

By: Saretta Gross



P.O box 942

Mableton, Ga 30126

Pepsiola1@gmail.com

(470)623-3324

Certificate of Service

I hereby certify that on June 14.2021, I submitted the foregoing **MOTION TO RESPOND TO A MOTION TO DISMISS** to the Clerk of court. Also by U.S mailed and Hand delivered to CSC of Cobb County for Defendant United Parcel Service. Via U.S Mail with postage prepaid to following Addresses:

CSC of Cobb County -UPS
192 Anderson st.
Marietta, Georgia 30060

By: Saretta M.Gross



Micheal B. Schoenfeld
Georgia bar No.253950
Stanford Fagan LLC
2540 Lakewood Avenue sw
Atlanta,GA 30315
(404) 622-0521 ext.2244

CERTIFICATION OF COMPLIANCE

The undersigned attorney hereby certifies, pursuant to lr7.1 (D0,NDGa, that the foregoing **MEMORANDUM OF LAW IN SUPPORT IN MOTION TO DISMISS** WAS PERPARED IN ACCORDANCE WITH LR 5.1, NDGa, using Times New Roman font 14 point.

DATED this 14th day of June,2021.


By: Saretta M. Gross

P.O Box 942

Mableton, Ga 30126

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Progressive Discipline Steps

- a. **Counseling** – An opportunity for the employee and the supervisor to informally discuss work-related problems and concerns. The counseling session is designed to help the employee:
 - Recognize the mistake or deficiency.
 - Accept the standard that is required.
 - Clarify expectations and standards.
 - Understand the consequences of failing to meet the standard.
 - The counseling session should be documented with a memo to the administrator's employee desk file.
- b. **Oral Reprimand** – Used to get the attention of the employee while the situation is still correctable. The primary purpose of this step is to alleviate any misunderstandings and to clarify the direction for necessary and successful correction of the problem. An oral reprimand must:
 - Clearly indicate the nature of the problem, cite the work standard, rule or policy governing the situation, and explain precisely what corrective action is expected.
 - Point out that future behavior of a similar type may result in more serious disciplinary action.
 - Must be confirmed in writing, clearly defined as an "oral reprimand" with a copy placed in the employee's file at the work site.
 - Advise the employee that a copy of the reprimand will be placed in his/her personnel file and forward a copy to the Department of Human Resources.
- c. **Written Reprimand** – Utilized when prior counseling sessions and/or the oral reprimand have not resulted in satisfactory changes of behavior. A written reprimand may or may not be preceded by an oral reprimand, depending on the type of violation. When issuing a written reprimand please:
 - Include a review of prior disciplinary action taken.
 - Notify the employee of the specific work rule or standard being violated.
 - Place the employee on written notice that corrective action must be taken.
 - Base the written reprimand on facts and information of record as opposed to hearsay and unfounded conclusions.
 - Keep a copy in the employee's personnel file at the work site.
 - Advise the employee that a copy of the reprimand will be placed in his/her personnel file and forward a copy to the Department of Human Resources.
- d. **Suspension or Demotion**
 - **Suspension**
 - May be used when the employee has not responded to counseling, oral or written reprimands or commits a more serious rule violation that warrants suspension for a first offense.
 - Suspensions may be with or without pay

- The Office of Labor and Employee Relations must handle disciplinary issues that may warrant suspension.
- **Suspension Pending Investigation**
 - Examples of situations where the employee may need to be removed from the work place before an investigation can be conducted may include sexual harassment, disorderly conduct, or other situations where the employee presents a potential threat to other employees.
 - *The supervisor should contact the Office of Labor and Employee Relations prior to sending the employee home, unless there is an immediate need to remove the employee from the work place.*
 - A suspension, pending an investigation, is imposed with the understanding that a final decision relative to the appropriate disciplinary action will be made after the investigation.
 - If there is no cause for disciplinary action, the employee will receive pay for the regular earnings lost during the suspension.
- **Demotion**
 - Disciplinary demotions may be in the form of reduction in rank, reduction in pay, or both.
 - Demotion in rank refers to the removal of an employee from his present position to one of less responsibility. This concept is based on the premise that management has the right to promote and grant merit increases to employees. Therefore, if the employee's performance does not continue at the same level as when he/she was placed in the position, they also have the right to take away such benefits.
 - *The Office of Labor and Employee Relations will handle disciplinary issues that may warrant demotion.*
- e. **Termination-** If all previous steps of the disciplinary process have been unsuccessful, the employee may be terminated from employment. Certain violations may warrant immediate termination. Because of the severity in the loss of one's job and the probability that taking such an action will result in a grievance, appeal, or possibly legal action, it is important that employee dismissals not be done in haste and only after a thorough investigation. At minimum, the investigation should provide assurances that:
 - The employee did, in fact, commit the act.
 - Substantial evidence of guilt is available.
 - The employee was aware, or should have been aware of the consequences of the act.
 - The employee's entire work record, good and bad, has been considered.
 - The same rules are applied uniformly to all employees.
 - The credible witnesses provide essentially the same story.
 - The penalty of dismissal is reasonably related to the seriousness of the offense.



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proof of Date

EMPLOYEE TRUSTEES
CHARLES A. WHOBREY
GEORGE J. WESTLEY
GARY DUNHAM
TREVOR LAWRENCE

EMPLOYER TRUSTEES
GARY F. CALDWELL
CHRISTOPHER J. LANGAN
ROBERT WHITAKER
MARK F. ANGERAME

EXECUTIVE DIRECTOR
THOMAS C. NYHAN

RC-5296072
SARETTA M GROSS
P.O BOX 942
MABLETON, GA 30126

**VERIFICATION OF
GROUP HEALTH PLAN COVERAGE**

Date issued:	June 3, 2021		
Name of group health plan:	Central States, Southeast and Southwest Areas Health and Welfare Plan		
Member name:	SARETTA M GROSS		
Member identification number:	806551411		
Coverage type:	Medical, RX, Dental, Vision		
Name of any covered individuals to whom this verification applies:	<u>Name</u> Saretta M. Cross	<u>Effective Date</u> 10/13/2019	<u>Coverage Status</u> Termed 10/11/2020

Name, address and telephone number of plan administrator responsible for providing this verification:	TeamCare, A Central States Health Plan PO Box 5126 Des Plaines IL 60017-5126 800-TEAMCARE (832-6227)
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You have not requested a description of the benefits provided under your plan and this letter does not describe those benefits. The above information is based on current records and work history reported by the member's employer. Updated records or corrections with respect to periods worked may affect dependent eligibility and/or coverage status or date. If you require another Verification of Group Health Plan Coverage letter in the future, you can generate one by visiting MyTeamCare.org.